



The Navajo Nation

Navajo Nation Statement
United Nations Human Rights Committee
Geneva, Switzerland

March 10, 2014

Good afternoon Mr. Chairperson,

My name is Dwight Witherspoon, Elected Official of the Navajo Nation Council. I am accompanied by Hon. Elmer Begay, Elected Official of the Navajo Nation Council, Mr. Steven Darden, Chairperson of the Navajo Nation Human Rights Commission and his staff.

It is an honor to speak to the United Nations Human Rights Committee on the implementation of CCPR. While there are crosscutting issues that Navajo Nation wishes to address that pertain to all aspects of human rights issues that affect the Navajo people and other indigenous peoples. However, Navajo Nation's intervention will concentrate on Article 27, sacred sites.

Navajo Nation has grave concerns regarding the desecration of San Francisco Peaks by the United States government by continuously authorizing expansion of a ski resort without the free prior and informed consent by the Navajo people and other indigenous peoples concerned. The Navajo People and other indigenous peoples consider the Peaks a sacred mountain, a shrine. While the United States government agencies recognize that while authorizing expansion of the ski resort violates the indigenous peoples' traditional beliefs, it continues to expand the resort by allowing the use of reclaimed wastewater to make artificial snow.

The United Nations supported that Guiding Principles for Businesses and Human Rights, the United States continues to lag behind of full and meaningful recognition and implementation of the principles. The Businesses and Human Rights working group visited the United States in 2013 and noted that businesses, such as the ski

resort, continue to fill in the gap that exist in respecting, protecting and remedying indigenous human rights.

Therefore, the Navajo Nation impresses on the Human Rights Commission to question the United States as follows:

- **Why did United States Forest Services not accept any of the indigenous Nations' recommendation to make policy change from "sacred sites" to "sacred places"?**
- **US constitution support religious freedom, but the standard used in the court was that the issue at hand would have to force the individuals to change religions. Why was the standard not used that forces individuals to change religious practices?**
- **How has the Native American traditional practitioners from the 13 Native Nations that hold the San Francisco Peaks as sacred been provided the opportunity for free, prior and informed consent? What consent was obtained?**
- **How does the United States according to Articles 2 (3)(a) of CCPR ensure any person whose rights and freedom are violated will have an effective remedy? How do you determine it is effective and based on what international human rights standard?**
- **How do United States domestic laws protect indigenous peoples' sacred sites and places in compliance with international human rights?**

In keeping with CCPR Article 42, the Navajo Nation further recommends that the Human Rights Commission take action to pay particular attention to establishing a mechanism such as a monitoring body that specifically concentrates on full recognition of indigenous human rights as they pertain to sacred places.

Thank you.